THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6166 of 2006

DATED:04.04.2006

Between:

Ravva Muthyam and others ..Petitioners

And

The Mandal Revenue Officer, Visakhapatnam Rural, Visakhapatnam. and others. ..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6166 of 2006

ORDER:

The petitioners, who are 24 in number, are residents of Madhurawada Gram Panchayat, Visakhapatnam District. They were allegedly assigned house site pattas in respect of land admeasuring

60 square yards each in survey No.304. It is the case of the petitioners that plot Nos.39, 40, 80, 81, 82, 85, 87, 88, 93, 94, 97, 98, 99, 100, 107, 125, 125/1, 126, 132, and 142 to 146 were assigned to them in January 1997 and they raised thatched huts and residing therein. It is their case that on 23.03.2006 at about 4.00 p.m., the first respondent, namely, the Mandal Revenue Officer, Visakhapatnam (Rural) Mandal came along with the staff, demolished some constructions and threatened to dispossess the petitioners. Contending that any such dispossession without due process of law would be illegal, the present writ petition is filed.

Initially, the matter was listed before this Court 'for Admission' on 28.03.2006. On instructions, the learned Assistant Government Pleader for Revenue (General) made a submission that the plots, which are claimed by the petitioners to have been allotted to them, were, in fact, allotted to other persons, who are in possession of the plots. Therefore, the matter was adjourned to enable the learned Assistant Government Pleader for Revenue (General) to file a counter-affidavit.

The Mandal Revenue Officer has filed counter-affidavit. It is stated that an extent of Acs.5.32 cents of land in survey No.304 of Madhurawada Village of Visakhapatnam Mandal was taken over by the Government as surplus land under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, and that the same was allotted to 103 homeless persons as house sites in the year 1998-1999, after getting necessary approval for the layout from Visakhapatnam Urban Development Authority. It is also the case of the Mandal Revenue Officer that as some of the beneficiaries did not construct houses within twelve months as stipulated in the house site pattas, those were cancelled and possession was taken under the cover of panchanama on 26.04.2002.

A reference is also made to various writ petitions, being W.P.Nos.22455 of 2002, 14565 of 2003 and 21674 and 20818 of 2005, filed by the persons claiming themselves to be the allottees of house site pattas. All these writ petitions were dismissed by this Court holding that pattas were not allotted to those persons. The allegation that the petitioners were allotted house site pattas is denied. A copy of list of 103 beneficiaries to whom pattas were allotted in 1998-1999 is also annexed to the writ petition.

After hearing the learned counsel for the petitioners and the

learned Assistant Government Pleader for Revenue (General), this Court has compared the names of the petitioners with the copy of the list of beneficiaries annexed to the counter-affidavit. None of the petitioners was assigned house site pattas in 1998-1999. It only shows that the petitioners have filed this writ petition based on fake pattas. This calls for an enquiry. The Mandal Revenue Officer is directed to conduct an enquiry into the matter and submit a report to the District Collector, who is directed to take appropriate action against those persons, who are claiming the house site pattas in survey No.304 of Madhurawada Village.

The Writ Petition, with the above directions, is accordingly dismissed. No costs.

(V.V.S.RAO,J)

04.04.2006

GJ